

Exhibit E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

EPA Region 5 Records Ctr.



279356

4 UNITED STATES OF AMERICA,)
5 Plaintiff,)
6 -vs-) CIVIL ACTION NO.
7 CONSOLIDATED RAIL CORPORATION,) S90-00056
8 a/k/a CONRAIL,)
9 Defendant.) Judge Robert J. Miller
10 -----)

11 The deposition of EDWARD MICHAEL WALERKO
12 Date: Wednesday, January 23, 1991
13 Time: 10:00 o'clock a.m.
14 Place: Doran, Blackmond, Ready, Hamilton
15 & Williams
16 515 First Bank Building
17 205 West Jefferson Boulevard
18 South Bend, Indiana
19 Called as a witness by the Defendant,
20 in accordance with the Federal Rules of Civil
21 Procedure, Rules for the United District Court
22 for the Northern District of Indiana, South
23 Bend Division, pursuant to Notice.

24 Before Daniel L. Callander
25 Notary Public, St. Joseph County, Indiana

- 1 A Stockholders?
- 2 Q Yes.
- 3 A Thomas Walerko, Leanna Walerko, and Roger Grimm,
4 G-r-i-m-m.
- 5 Q Is Edward Walerko also an officer of the
6 corporation?
- 7 A Edward F., you mean?
- 8 Q Yes. Sorry.
- 9 A Yes.
- 10 Q And what's his --
- 11 A He's chairman of the board, CEO.
- 12 Q Thomas Walerko, is he an officer?
- 13 A Vice-president.
- 14 Q Leanna Walerko?
- 15 A Secretary.
- 16 Q And Roger Grimm, is he an officer?
- 17 A No.
- 18 Q When was Walerko established as a business?
- 19 A As a corporation or --
- 20 Q When was it incorporated?
- 21 A 1954.
- 22 Q Was it operating prior to 1954 as another form of
23 business?
- 24 A Yes, it was begun in 1952.
- 25 Q Would you please describe the business to me?

1 Q Who's "they"?

2 A The environmental study company. I believe it
3 was EIS Company.

4 Q And pursuant to whose request was that study
5 conducted?

6 A I believe it was from Tom Walerko's request.

7 Q Why did Mr. Walerko request that?

8 A We had a problem with -- they would leave over
9 the weekend and come back and some of the metal
10 and the material was rusting.

11 Q Can you tell me the results of that study?

12 A They told us I believe at the time to get rid
13 of -- I believe it was to stop using
14 trichloroethane at the time.

15 Q Is this 1,1,1-trichloroethane?

16 A I'm not sure what type of trichloroethane
17 it was.

18 Q What did you use trichloroethane for?

19 A Back then I believe it was for cleaning the parts.

20 Q Do you know how long you'd used trichloroethane?

21 A No, I don't.

22 Q Where was trichloroethane used in the facility
23 that you've outlined in Exhibit 3?

24 A That I don't know either, you know, exactly
25 where it was placed.

1 Q Did they have dip tanks for this trichloroethane,
2 do you know?

3 A To the best of my knowledge, there were, yes.

4 Q And did they blow dry the trichloroethane
5 parts, the dipped parts?

6 A I believe it was the same procedure. They would
7 dip the parts in, take them out, blow them off
8 over the tank.

9 Q Do you know how the trichloroethane was disposed
10 of in 1981?

11 A No, I don't. I know we have a record just of
12 hauling away some trichloroethane by hauler
13 in that time frame, the early 80s, but before
14 that I don't know how it was.

15 Q Do you know if at any time trichloroethane
16 was ever disposed of on the property?

17 A No, I don't.

18 Q Do you know who would know that?

19 A Again, Roger Grimm.

20 Q And before we get to marking the exhibits, you
21 had said that you had a BS degree as your
22 undergraduate degree. What was your major?


23 A Marketing.

24 Q When were you elected president of the
25 corporation?

CASE USA v. ConRak
COURT: U.S. DISTRICT COURT, NORTHERN DISTRICT OF IND.
CAUSE NO.: S90-00056
DEPOSITION OF: EDWARD M. WALKER

After reading my deposition, I wish to make the following changes:

PAGE	LINE	CORRECTION	REASON FOR CHANGE
17	6	From: "I know we have used it" To: "I know we haven't used it."	I thought we were discussing a compound I now know has the common name trichloroethane. I know according to our records and from talking to others who have been here for years we have never used trichlorethylene.
17	7, 8	From: "I do know it has been used, yes." To: "I do know it hasn't been used."	
17	13	From: "It was before — it was 1981 and before." To: "It was not used."	
20	22	From: "Like I say, I think it has been used, but not in my time." To: "It has never been used."	
30	17, 18, 19	From: "it probably had before my time in the cleaning process." To: "it had not been used in the cleaning process."	


Signature of Deponent

